

MINTZ LEVIN
COHN FERRIS
GLOVSKY AND
POPEO PC

Washington
Boston
New York
Reston
New Haven

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 434 7300
202 434 7400 fax
www.mintz.com

Michael H. Pryor

Direct dial (202) 434-7365
mhpryor@mintz.com

February 14, 2003

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication, CC Docket Nos. 01-338 and 96-98

Dear Ms. Dortch:

On Thursday, February 13, 2003, Jake Jennings, Vice President of Regulatory Affairs, NewSouth Communications, and the undersigned had a telephone conversation with Michelle Carey, Common Carrier Bureau, regarding the above captioned dockets. During the conversation, NewSouth reiterated its position on usage restrictions as set forth in NewSouth's February 5, 2003 *ex parte* submission. NewSouth also stressed the importance of continuing to have access to DS-1 loops in hybrid loop/fiber facilities utilizing ILDC or NGDLC technology and pointed out that NewSouth currently obtains DS-1 loops from BellSouth where it has deployed such technology. Finally, NewSouth expressed concerns with the use of market contestability theories as applied on a route-by-route basis.

Respectfully submitted,

/s/

Michael H. Pryor

cc: Michelle Carey
Jake E. Jennings